

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
SEPTEMBER 20, 2017  
9:00 A.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor John M. Becker at 9:00 A.M.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: Thomas Kopp, John Brzuszkiewicz, Kerry Ranger and Jeff Martin.

Also Present: Highway Superintendent Andy Busa, John R. Langey, Attorney for the Town; Beth Ellis, Comptroller; and Town Clerk Charlotte A. Ferstler.

Also in attendance were: Julie LaFave, Parks and Recreation Director; Taylor Bottar, from Barton and Loguidice Engineers; and Members of the Public.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF MINUTES OF MEETING**

Councilor Brzuszkiewicz stated that there was one error in the minutes of September 6, 2017 which showed that he voted No on Local Law 4-2017 which is to Create a new Chapter 88 of the Code of the Town of Sullivan titled "Vehicles and Traffic." A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to correct and approve the minutes of the Town Board meeting of September 6, 2017.

**PUBLIC HEARING  
LOCAL LAW E OF 2017  
(TAX LEVY OVERRIDE)**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to open the Public Hearing on proposed Local Law E-2017 at 9:07 A.M. No one spoke for or against proposed Local Law E-2017. A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the Public Hearing at 9:08 A.M. Thereafter, the following action on the local law occurred:

**TOWN OF SULLIVAN**

**TOWN BOARD RESOLUTION**

**September 20, 2017**

**TOWN OF SULLIVAN LOCAL LAW E OF 2017**

(“A Local Law Overriding the Tax Levy Limit Established  
in General Municipal Law §3-c in the Town of Sullivan”)

The following resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Brzuszkiewicz, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2017, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Sullivan,” was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on September 6, 2017; and

**WHEREAS**, a public hearing was held on such proposed local law on this 20<sup>th</sup> day of September, 2017, by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, the enactment of Proposed Local Law No. E-2017 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. E-2017.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. E-2017 as Local Law No. 5-2017 as follows:

**“TOWN OF SULLIVAN  
LOCAL LAW NO. 5 OF 2017**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

Be it enacted by the Town Board of the Town of Sullivan as follows:

**Section 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2018, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

**Section 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of

a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Sullivan, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**Section 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5. EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: September 20, 2017**

**BRIDGEPORT STREETSCAPE  
IMPROVEMENT PROJECT**

Supervisor Becker asked Taylor Bottar (Engineer with Barton and Loguidice Engineers) to update the Board Members and Public on the Bridgeport Streetscape Improvement Project. Mr. Bottar stated that they have received draft plans from the Department of Transportation regarding the roadway proposed changes. He stated that the final step, which is the finalizing the Feasibility Study, has been completed and submitted. The DOT is proposing a third lane on Route 31 to be designated for turning from Route 31 onto North Road in Bridgeport. This lane change will fit in with the Streetscape Project. Mr. Bottar stated that there will be several more changes before the plan is actually finalized. He noted that DOT has requested that the SEQR with Negative Declaration be updated. Attorney Langey, stated that he has updated and prepared the SEQR for action to be taken at this meeting. Thereafter, the following action occurred:

**TOWN OF SULLIVAN  
TOWN BOARD SEQR RESOLUTION  
WITH NEGATIVE DECLARATION AND AUTHORIZATIONS**

**(Reaffirming the Town of Sullivan Town Board May 3, 2017 Negative Declaration  
in the Matter of the Bridgeport Streetscape Improvements Project)**

At a Regular Meeting of the Town Board of the Town of Sullivan, Madison County, New York, held at the Town Hall, located at 7507 Lakeport Road, Chittenango, New York on September 20, 2017 at 9:00 a.m.

The meeting was called to order by the Supervisor, and upon roll being called, there were:

<b>PRESENT:</b>	John M. Becker	Supervisor
	John E. Brzuszkiewicz	Councilor
	Thomas J. Kopp Jr.	Councilor
	Kerry Ranger	Councilor
	Jeffrey Martin	Councilor

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**IN THE MATTER OF THE  
BRIDGEPORT STREETScape IMPROVEMENTS PROJECT**

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Councilor Brzuszkiewicz moved and Councilor Martin seconded the following resolution:

**WHEREAS**, the Hamlet of Bridgeport (the “Hamlet” or “Bridgeport”) has been an important and unique area in the Town of Sullivan and possesses its own identity along the NYS Route 31 Corridor, south of Oneida Lake; and

**WHEREAS**, the Town Board, on behalf of the Hamlet, has from time-to-time undertaken physical improvements and betterments of the area to improve its environmental condition, safety and aesthetic appearance as a benefit to the Town and the Community; and

**WHEREAS**, the Town Board has considered and undertaken a review of necessary improvements to the area, along with their Consulting Engineers and Design Professionals, Barton & Loguidice, D.P.C.; and

**WHEREAS**, Barton & Loguidice, D.P.C. has proposed physical improvements for the Hamlet, including areas of green infrastructure (permeable multiuse pathways, rain gardens, infiltration strips, intersection improvements and other facilities) (the “Bridgeport Streetscape Project” and the “Bridgeport Gateway Green Infrastructure Enhancement Project”), which area of improvements contain portions of NYS Route 31 and North Road; and

**WHEREAS**, the Town Board has sought sources of funding to further the goals of the Bridgeport Streetscape Improvements; and

**WHEREAS**, most recently (in December 2016), the Town Board has been notified of an award of funds through the Environmental Facilities Corporation’s Green Innovation Grant Program (“GIGP”) of up to Eight Hundred Thousand and 00/100 Dollars (\$800,000); and

**WHEREAS**, the Town Board has authorized its attorneys and engineers to prepare and process the procurement of funds from the various funding sources; and

**WHEREAS**, the proposed Bridgeport Streetscape Project will involve physical construction, improvements and repairs within the NYS Route 31 Bridgeport Corridor and along North Road, as modified, in the Town, such that this law shall be applicable; and

**WHEREAS**, it was previously determined by the Board on March 15, 2017 that for purposes of the State Environmental Quality Review Act ("SEQRA"):

1. The action is a Type I Action for purposes of SEQR;
2. The Town Board of the Town of Sullivan shall act as lead agency;
3. The following are involved and/or interested agencies in connection with the SEQRA review, to wit:

John Becker, Supervisor  
Town of Sullivan  
7507 Lakeport Road  
Chittenango, NY 13037

Madison County Highway  
Department  
139 North Court Street  
PO Box 15  
Wampsville, NY 13163

Nicolas Choubah, Regional  
Director  
NYS DOT Region 2  
Utica State Office Building  
207 Genesee Street  
Utica, NY 13501

Ruth Pierpont, Director  
Field Services Bureau,  
NYSOPRHP  
Peebles Island State Park  
P.O. Box 189  
Waterford, NY 12205-0189

NYS Department of Agriculture &  
Markets  
10B Airline Drive  
Albany, New York 12235

David Stilwell  
U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Mark Venesky, Supervisor  
Town of Cicero  
8236 Brewerton Road  
Cicero, NY 13039

Andrew Busa, Highway  
Superintendent  
Town of Sullivan  
7500 Bolivar Road  
Chittenango, NY 13037

Jesse Bergevin, Historical Resources  
Specialist  
Oneida Indian Nation  
2037 Dream Catcher Plaza  
Oneida, NY 13421

David Bimber  
Regional Permit Administrator  
NYSDEC Region 7  
615 Erie Boulevard West  
Syracuse, NY 13204

NYSEFC  
Attn: Elizabeth Ricci  
625 Broadway  
Albany, NY 12207-2964

NYS Department of Agriculture &  
Markets  
New York State Fairgrounds  
Syracuse, NY 13209

Steven Metivier  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, NY 14207

Keith Ewald, RLA, AICP  
Project Manager  
Barton & Loguidice, D.P.C.  
443 Electronics Parkway  
Liverpool, NY 13088

4. That the action would require the submission of a Full Environmental Assessment Form to provide information with regard to the environmental issues pertinent therein; and

**WHEREAS**, no objections to the designation of the Town of Sullivan as lead agency for this project having been received in response to the original March 15, 2017 notification of the Town's intent to become lead agency; and

**WHEREAS**, subsequently the Town of Sullivan, on June 14, 2017, supplemented and revised the original Full Environmental Assessment Form to reflect the expanded area of the project as described therein, including portions of green infrastructure installations along North Road, and notice was provided to all involved and interested agencies on or about June 14, 2017; and

**WHEREAS**, there having been received no objections to the referenced project modification and the project modification notice; and

**WHEREAS**, more than fifteen (15) days has elapsed since this time period and more than thirty (30) days has elapsed since this time period, with no such objection; and

**WHEREAS**, in light of the above, the Town Board wishes to reaffirm the SEQR Negative Declaration, originally authorized on May 3, 2017; and

**WHEREAS**, the Town Board has caused to be completed and submitted a revised Full Environmental Assessment Form and the same has been carefully reviewed and considered by the Board; and

**WHEREAS**, the Town Board has considered and discussed fully the potential environmental impacts of the proposed action, including review and analysis from the Town's Consulting Engineers, Barton & Loguidice, D.P.C., along with the project modification involving North Road, upon notice to the involved and interested agencies.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Sullivan hereby determines that the proposed action will not have a significant adverse effect on the environment and this resolution hereby reaffirms and adopts the Negative Declaration attached hereto for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. (and for the State Environmental Review Process) for the reasons contained herein and in the appended Schedule "A", which Negative Declaration is herein a reaffirmation of the original Negative Declaration, dated May 3, 2017, inclusive of the project modifications described in the June 14, 2017 notice provided to all involved and interested agencies; and

**BE IT FURTHER RESOLVED** that the Town's legal counsel distribute and publish the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617"; and

**BE IT FURTHER RESOLVED** that the Town of Sullivan Town Supervisor has been authorized to submit an application for grant funding under the New York State Environmental Facilities Corporation Green Innovative Grant Program ("GIGP") on behalf of the Town of Sullivan; and

**BE IT FURTHER RESOLVED** that the Town of Sullivan Town Supervisor is authorized to execute a grant agreement with the New York State Environmental Facilities Corporation and that any and all other contracts, documents and instruments necessary to bring about

the Project and to fulfill the Town of Sullivan's obligations under the GIGP Grant Agreement;  
and

**BE IT FURTHER RESOLVED** that the Town of Sullivan hereby authorizes and appropriates a minimum of 10% local match, as required by the Green Innovative Grant Program for the GIGP Project (the Bridgeport Streetscape Improvements Project); and

**BE IT FURTHER RESOLVED** that under the GIGP, this local match must be at least 10% of the total actual project cost. The source of the local match, and any amount in excess of the match, shall be disbursed from the Town of Sullivan's General Fund or, in the alternative, through appropriate municipal bonding; and

**BE IT FURTHER RESOLVED** that the maximum local share shall not exceed Ninety Thousand and 00/100 Dollars (\$90,000.00) based upon a total estimated maximum Project cost of Eight Hundred Ninety Thousand and 00/100 Dollars (\$890,000.00); and

**BE IT FURTHER RESOLVED** that the Town of Sullivan Town Supervisor may increase this local match to the use of in-kind services without further approval from the Town of Sullivan Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** September 20, 2017

#### **SCHEDULE "A"**

##### ***REASONS SUPPORTING THE NEGATIVE DECLARATION FOR THE CREATION AND CONSTRUCTION OF THE PROPOSED BRIDGEPORT STREETScape IMPROVEMENTS PROJECT, AS REAFFIRMED, TO INCLUDE THE PROJECT MODIFICATIONS ON NORTH ROAD***

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse changes in the existing air quality, water quality or noise levels, nor in solid waste production, nor create potential for erosion, promote flooding or drainage problems. The Project will produce minimal disturbance of soil and vegetation, with minimal storm run-off. Such impacts will be temporary in nature and will be mitigated through the utilization of appropriate erosion control and construction measures. While the proposed action may involve construction on land where depth-to-water table is less than 3-feet (according to data available from the National Resource Conservation Services Web Soil Survey, the average depth-to-water table throughout the Project is approximately 1.5-feet), an effective erosion and sediment control plan will be developed to prevent water quality impacts on nearby wetlands or water bodies. Further, the potential for increased erosion will be mitigated by the

Project's Erosion and Sediment Control Plan, which will incorporate detailed suitable erosion control measures for the Project and will be followed during the construction phase. Post-construction, all disturbed areas will be stabilized and restored to their original conditions. While the proposed action may create some turbidity in water bodies, either from upland erosion runoff or by disturbing bottom sediments, such impacts are temporary in nature and most likely would be associated with the construction and reconstruction of sidewalks and the installation of rain gardens and infiltration stripped construction. Again, the Project Erosion and Sediment Control Plan will address construction practices to prevent erosion-related turbidity. No direct disturbance to wetlands or water bodies is anticipated. Additionally, there have been no identified impacts to groundwater associated with the proposed action. No impacts to flooding have been identified. The Project area is not located within a designated floodway or a Federal Emergency Management Agency ("FEMA") mapped 100-year or 500-year floodplain. There are no impacts on air anticipated, as no air permits will be needed for the construction or operation of the Project. While there may be an associated increase in fossil fuel consumption by heavy machinery during the construction period, this is minor and temporary and such vehicle emissions are not anticipated to have any measurable impact on local air quality. While the proposed action may result in the destruction or alteration of all or part of the site of the property, this impact has been identified as small. The Project will involve approximately 0.7 acres of soil disturbance associated with the sidewalk, rain garden and infiltration strip construction. While the proposed action may produce sounds above ambient noise levels, such will be exceeded only temporarily during the construction period. Any excessive noise will be limited to daylight hours to minimize adverse impacts on the Community and nearby receptors. Because these impacts are temporary, they are therefore classified as small impacts. Further, there are no impacts caused by the project modifications associated with this Negative Declaration.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural or cultural resources. Further, there have been no identified archeologically or culturally sensitive areas where prior disturbance has not occurred. Construction of the improvements will be within existing public rights-of-way. There have been no identified geological features associated with the Project. The proposed action will not result in modification or destruction of, or inhibit access to, any unique or unusual landforms on the site. No impacts to agricultural resources were identified. The Project area consists of developed commercial and residential lots, and the land cover is primarily pavement and maintained yards. There are no agricultural lands within the Project area. There have been no identified impacts to aesthetic resources associated with the Project. While there are some aesthetic resources located within 0.5 - 4.0 miles of the Project area, access to and use of these resources is not expected to be impacted by the Project. While the proposed action may occur wholly or partially within or substantially contiguous to an area designated as sensitive for agricultural sites on the New York State Historic Preservation Office's Archeological Site Inventory, in general the majority of the Project area has clear indications of prior soil disturbance. Further, multiple archeological surveys were done for a recent sewer project in Bridgeport (completed in 2013). No artifacts indicating historic/potentially historic properties were recovered from soil tests taken from along

NYS Route 31 or the proposed area along North Road (in 2010), as modified. While Native American artifacts have been recovered nearby, none have been recovered within the proposed Project area. A letter dated April 24, 2017 from SHPO (covering the revised Project area) indicates that the Project will have no effect on cultural or historic resources. There have been no identified impacts relative to open space and recreation opportunities. The Project will not result in the loss of recreational opportunities or a reduction of an open space resource. No impacts were identified with regard to Community plans or planning. The proposed action is consistent with the Town of Sullivan's long-term goals. Further, no impacts have been identified associated with Community character. The proposed action would be consistent with the Community character and aims to enhance the current setting that people experience when entering the Hamlet of Bridgeport.

3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species: No plant or animal species will be adversely affected by the Project. While the proposed action could result in a reduction or degradation of habitats used by rare, threatened or endangered species as listed by New York State or the Federal Government, such impacts would be small or non-existent. The proposed action could have a small impact on local flora and fauna; however, all work will take place in previously disturbed and developed locations. Review of the U.S. Fish and Wildlife Service New York Field Office's Information, Planning and Conservation ("IPaC") System indicates that there are no Federally listed threatened or candidate species within the Project area. While the IPaC System identified one (1) Federally threatened species that could occur within the Project site (the *Northern Long-Eared Bat*), if any tree clearing is necessary it would involve landscape trees along NYS Route 31 and on North Road, which are unlikely to provide a suitable habitat for the species. Efforts will be made to reduce or eliminate the impact by limiting clearing and following all Federal and State guidelines related to ecological impacts and review processes. A review of the New York State Department of Environmental Conservation's Nature Explorer tool failed to disclose any State listed threatened or endangered species within the Project area. In addition, no rare species or species of special concern were reported. The New York Natural Heritage Program ("NYNHP") was consulted regarding State listed species within the Project area and a response is pending. All appropriate documentation and coordination will be undertaken to ensure that potential impacts to State and Federal listed species are minimized to the extent practicable. If potential impacts to species or their suitable habitats will occur, then such impacts will look to be completed during a time of year where no adverse impact to the list of species would result. Further, all work associated with the Project will be done within previously disturbed areas and is unlikely to significantly affect local wildlife populations. While the proposed action may interfere with nesting/breeding/foraging, or over-wintering habitat for the predominant species that occupy or use the Project site, the habitat for these species (grey squirrel, white-tail deer, Eastern cottontail, raccoon, song birds) is very limited with the Project area. In addition, the Project will include the planting of landscape trees along NYS Route 31 and North Road, which will offer protection for such common species of birds. The impacts from the clearing of trees will be minimized to the extent possible. A variety of vegetative cover types and habitats are available surrounding the Project area in

locations that will not experience impacts during construction. The project modifications along North Road will not result in any additional impacts.

4. Community Plans, Use of Land, Natural Resources, Energy or Transportation: The proposed Project is not adverse to any official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community. While the proposed action may alter the present pattern of movement of people or goods, work along roadways for sidewalk construction and rain garden and infiltration strip construction will only cause temporary impacts to vehicular and pedestrian traffic. All necessary work permits will be obtained from the appropriate NYSDOT and Madison County Highway Department officials prior to construction. No impacts to energy were identified.
5. Growth, Subsequent Development, etc.: The Project will not induce any significant or adverse growth or subsequent development.
6. Long-Term, Short-Term, Health, Cumulative or Other Effects: The Project will not have any significant negative adverse long-term, short-term, cumulative, or other environmental effects. While there is a completed "Emergency Spill Remediation Record" associated with the site of the proposed action, according to the NYSDEC's Spills Database, only one (1) spill was reported at the intersection of North Road and NYS Route 31 (2015). This Spill Record has been closed. No other spill incidents have been reported near the Project area in the past 15 years. According to the NYSDEC's Environmental Site Remediation Database, there are no former active remediation sites within 2,000 feet of the Project area. In addition, there are no known bulk storage facilities within the Project area.
7. Critical Environmental Area: The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, Subdivision 617.14(g) as no such CEAs have been created in the Town.

#### **CERTIFICATE**

**STATE OF NEW YORK     )**  
**COUNTY OF MADISON    )**

I, the undersigned Town Clerk of the Town of Sullivan, Madison County, New York,  
**DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on September 20, 2017.

**CHARLOTTE FERSTLER**  
**Town Clerk**

(SEAL)

SEQR

**617.21**  
**Appendix F**  
**State Environmental Quality Review**  
**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**

Project Number: Town of Sullivan

Date: September 20, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Sullivan Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Bridgeport Streetscape Improvements Project

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:** Design, construction and installation of various streetscape improvements along portions of NYS Route 31 and North Road in the Hamlet of Bridgeport located in the northeasterly portion of the Town. The improvements include integrated green infrastructure practices, replacement and extension of sidewalks and delineated driveway improvements along approximately 2,000 linear feet of NYS Route 31 and along North Road, as modified. The project includes drainage improvements to mitigate ponding currently occurring in the area and the installation of rain gardens and bio-swales. Also included will be improvements consistent with the Americans with Disabilities Act and the overall improvement to this gateway to the Town of Sullivan.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Portions of NYS Route 31 (Bridgeport Corridor) and North Road, Town of Sullivan, Madison County, State of New York

**Reasons and Findings Supporting This Determination:**

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse changes in the existing air quality, water quality or noise levels, nor in solid waste production, nor create potential for erosion, promote flooding or drainage problems. The Project will produce minimal disturbance of soil and vegetation, with minimal storm run-off. Such impacts will be temporary in nature and

will be mitigated through the utilization of appropriate erosion control and construction measures. While the proposed action may involve construction on land where depth-to-water table is less than 3-feet (according to data available from the National Resource Conservation Services Web Soil Survey, the average depth-to-water table throughout the Project is approximately 1.5-feet), an effective erosion and sediment control plan will be developed to prevent water quality impacts on nearby wetlands or water bodies. Further, the potential for increased erosion will be mitigated by the Project's Erosion and Sediment Control Plan, which will incorporate detailed suitable erosion control measures for the Project and will be followed during the construction phase. Post-construction, all disturbed areas will be stabilized and restored to their original conditions. While the proposed action may create some turbidity in water bodies, either from upland erosion runoff or by disturbing bottom sediments, such impacts are temporary in nature and most likely would be associated with the construction and reconstruction of sidewalks and the installation of rain gardens and infiltration stripped construction. Again, the Project Erosion and Sediment Control Plan will address construction practices to prevent erosion-related turbidity. No direct disturbance to wetlands or water bodies is anticipated. Additionally, there have been no identified impacts to groundwater associated with the proposed action. No impacts to flooding have been identified. The Project area is not located within a designated floodway or a Federal Emergency Management Agency ("FEMA") mapped 100-year or 500-year floodplain. There are no impacts on air anticipated, as no air permits will be needed for the construction or operation of the Project. While there may be an associated increase in fossil fuel consumption by heavy machinery during the construction period, this is minor and temporary and such vehicle emissions are not anticipated to have any measurable impact on local air quality. While the proposed action may result in the destruction or alteration of all or part of the site of the property, this impact has been identified as small. The Project will involve approximately 0.7 acres of soil disturbance associated with the sidewalk, rain garden and infiltration strip construction. While the proposed action may produce sounds above ambient noise levels, such will be exceeded only temporarily during the construction period. Any excessive noise will be limited to daylight hours to minimize adverse impacts on the Community and nearby receptors. Because these impacts are temporary, they are therefore classified as small impacts. Further, there are no impacts caused by the project modifications associated with this Negative Declaration.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural or cultural resources. Further, there have been no identified archeologically or culturally sensitive areas where prior disturbance has not occurred. Construction of the improvements will be within existing public rights-of-way. There have been no identified geological features associated with the Project. The proposed action will not result in modification or destruction of, or inhibit access to, any unique or unusual landforms on the site. No impacts to agricultural resources were identified. The Project area consists of developed commercial and residential lots, and the land cover is primarily pavement and maintained yards. There are no agricultural lands within the Project area. There have been no identified impacts to aesthetic resources associated with the Project. While there are some aesthetic resources located within 0.5 - 4.0 miles of the Project area, access to and use of these

resources is not expected to be impacted by the Project. While the proposed action may occur wholly or partially within or substantially contiguous to an area designated as sensitive for agricultural sites on the New York State Historic Preservation Office's Archeological Site Inventory, in general the majority of the Project area has clear indications of prior soil disturbance. Further, multiple archeological surveys were done for a recent sewer project in Bridgeport (completed in 2013). No artifacts indicating historic/potentially historic properties were recovered from soil tests taken from along NYS Route 31 or the proposed area along North Road (in 2010), as modified. While Native American artifacts have been recovered nearby, none have been recovered within the proposed Project area. A letter dated April 24, 2017 from SHPO (covering the revised Project area) indicates that the Project will have no effect on cultural or historic resources. There have been no identified impacts relative to open space and recreation opportunities. The Project will not result in the loss of recreational opportunities or a reduction of an open space resource. No impacts were identified with regard to Community plans or planning. The proposed action is consistent with the Town of Sullivan's long-term goals. Further, no impacts have been identified associated with Community character. The proposed action would be consistent with the Community character and aims to enhance the current setting that people experience when entering the Hamlet of Bridgeport.

3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species: No plant or animal species will be adversely affected by the Project. While the proposed action could result in a reduction or degradation of habitats used by rare, threatened or endangered species as listed by New York State or the Federal Government, such impacts would be small or non-existent. The proposed action could have a small impact on local flora and fauna; however, all work will take place in previously disturbed and developed locations. Review of the U.S. Fish and Wildlife Service New York Field Office's Information, Planning and Conservation ("IPaC") System indicates that there are no Federally listed threatened or candidate species within the Project area. While the IPaC System identified one (1) Federally threatened species that could occur within the Project site (the *Northern Long-Eared Bat*), if any tree clearing is necessary it would involve landscape trees along NYS Route 31 and on North Road, which are unlikely to provide a suitable habitat for the species. Efforts will be made to reduce or eliminate the impact by limiting clearing and following all Federal and State guidelines related to ecological impacts and review processes. A review of the New York State Department of Environmental Conservation's Nature Explorer tool failed to disclose any State listed threatened or endangered species within the Project area. In addition, no rare species or species of special concern were reported. The New York Natural Heritage Program ("NYNHP") was consulted regarding State listed species within the Project area and a response is pending. All appropriate documentation and coordination will be undertaken to ensure that potential impacts to State and Federal listed species are minimized to the extent practicable. If potential impacts to species or their suitable habitats will occur, then such impacts will look to be completed during a time of year where no adverse impact to the list of species would result. Further, all work associated with the Project will be done within previously disturbed areas and is unlikely to significantly affect local wildlife populations. While the proposed action may interfere with nesting/breeding/foraging, or over-wintering habitat for the predominant species that

occupy or use the Project site, the habitat for these species (grey squirrel, white-tail deer, Eastern cottontail, raccoon, song birds) is very limited with the Project area. In addition, the Project will include the planting of landscape trees along NYS Route 31 and North Road, which will offer protection for such common species of birds. The impacts from the clearing of trees will be minimized to the extent possible. A variety of vegetative cover types and habitats are available surrounding the Project area in locations that will not experience impacts during construction. The project modifications along North Road will not result in any additional impacts.

4. Community Plans, Use of Land, Natural Resources, Energy or Transportation: The proposed Project is not adverse to any official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community. While the proposed action may alter the present pattern of movement of people or goods, work along roadways for sidewalk construction and rain garden and infiltration strip construction will only cause temporary impacts to vehicular and pedestrian traffic. All necessary work permits will be obtained from the appropriate NYSDOT and Madison County Highway Department officials prior to construction. No impacts to energy were identified.
5. Growth, Subsequent Development, etc.: The Project will not induce any significant or adverse growth or subsequent development.
6. Long-Term, Short-Term, Health, Cumulative or Other Effects: The Project will not have any significant negative adverse long-term, short-term, cumulative, or other environmental effects. While there is a completed "Emergency Spill Remediation Record" associated with the site of the proposed action, according to the NYSDEC's Spills Database, only one (1) spill was reported at the intersection of North Road and NYS Route 31 (2015). This Spill Record has been closed. No other spill incidents have been reported near the Project area in the past 15 years. According to the NYSDEC's Environmental Site Remediation Database, there are no former active remediation sites within 2,000 feet of the Project area. In addition, there are no known bulk storage facilities within the Project area.
7. Critical Environmental Area: The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, Subdivision 617.14(g) as no such CEAs have been created in the Town.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: John M. Becker, Supervisor

Address: Town of Sullivan, 7507 Lakeport Road, Chittenango, New York 13037

Telephone Number: (315) 457-3441

**For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:**

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located

Environmental Notice Bulletin

Other involved/interested agencies:

- John Becker, Supervisor, Town of Sullivan, 7507 Lakeport Road, Chittenango, NY 13037
- Andrew Busa, Highway Superintendent, Town of Sullivan Highway Department, 7500 Bolivar Road, Chittenango, NY 13037
- Madison County Highway Department, 139 North Court Street, PO Box 15, Wampsville, NY 13163
- Jesse Bergevin, Historical Resources Specialist, Oneida Indian Nation, 2037 Dream Catcher Plaza, Oneida, NY 13421
- Nicolas Choubah, Regional Director, NYSDOT Region 2, Utica State Office Building, 207 Genesee Street, Utica, NY 13501
- David Bimber, Regional Permit Administrator, NYSDEC Region 7, 615 Erie Boulevard West, Syracuse, NY 13204
- Ruth Pierpont, Director, Field Services Bureau, NYSOPRHP, Peebles Island State Park, P.O. Box 189, Waterford, NY 12205-0189
- NYSEFC, Attn: Elizabeth Ricci, 625 Broadway, Albany, NY 12207-2964
- New York State Department of Agriculture & Markets, 10B Airline Drive, Albany, NY 12235
- New York State Department of Agriculture & Markets, New York State Fairgrounds, Syracuse, NY 13209
- David Stilwell, US Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, NY 13045
- Steven Metivier, US Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207
- Mark Venesky, Supervisor, Town of Cicero, 8236 Brewerton Road, Cicero, NY 13039
- Keith Ewald, RLA, AICP, Project Manager, Barton & Loguidice, D.P.C., 443 Electronics Parkway, Liverpool, NY 13088

**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE  
A GRANT DISBURSEMENT AGREEMENT IN THE MATTER OF  
THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY)  
(Water Main Improvements and Purchase of a Fire and Rescue Boat)  
(Project ID: # 7363)**

The following resolution was offered by Councilor Brzuszkiewicz, who moved its adoption, seconded by Councilor Martin, to wit:

**WHEREAS**, the Town of Sullivan has been advised through the State and Municipal Facilities Program (“SAM”) of an award of a SAM Grant in the amount of \$125,000 relative to water main improvements and the purchase of a fire and rescue boat; and

**WHEREAS**, in accordance with the Dormitory Authority of the State of New York

("DASNY"), an authorized signature must be approved for execution of the Grant Disbursement Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Sullivan hereby authorizes Town Supervisor John Becker to execute the Grant Disbursement Agreement (in duplicate) between the Dormitory Authority of the State of New York ("DASNY") and the Town of Sullivan relative to the project titled "Water Main Improvements and Purchase of a Fire and Rescue Boat" (Project ID: #7363).

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: September 20, 2017**

**CERTIFICATE**

**STATE OF NEW YORK    )**  
**COUNTY OF MADISON    )**

I, the undersigned Town Clerk of the Town of Sullivan, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on September 20, 2017.

**CHARLOTTE A. FERSTLER**  
Town Clerk

**(SEAL)**

**MADISON COUNTY**  
**EMERGENCY MANAGEMENT DEPARTMENT**

Supervisor Becker stated that each Town Board in Madison County is mandated to take a

Training Course and that he has scheduled the presentation for today. He introduced Mr. Doug Shattuck, Fire Coordinator for Madison County Emergency Management Department. Mr. Shattuck explained that the Madison County Emergency Management Department Plan had not been updated since 1989. Considering the changes that have occurred within the twenty-three (23) Fire Departments that exist in Madison County there was a much needed update undertaken by his Department. Mr. Shattuck showed a video to explain the Mutual Aid Plan that is in place at the current time for all Fire Departments within Madison County. The presentation lasted approximately one hour and the Board Members agreed that it was very informative. Supervisor Becker thanked Mr. Shattuck for coming into the meeting for this presentation.

### **BUDGET MODIFICATION**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp to authorize the following Budget Modification:

1. The transfer of Fifteen Thousand Dollars (\$15,000.00) from Contingent A1990.4 to Outside Legal Fees A1420.418.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

### **EXECUTIVE SESSION**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to go into executive session for legal advice of Counsel at 10:02 A.M.

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the executive session at 9:30 A.M.

### **ADJOURNMENT**

A motion was duly made by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ and unanimously passed by the Board to adjourn the meeting at \_\_\_:\_\_\_ A.M.

**Respectfully Submitted,**  
**Charlotte A. Ferstler, Town Clerk**